

REMARKS

Status of Claims

Claims 1 – 24 were original in the application. Claims 25 – 40 were previously added. Claims 7, 12, 28, 31, 38 and 40 have been cancelled without prejudice to pursue in a continuation application. Claims 1, 25, 29, 37, 39, 41 and 42 have been amended in this amendment. Claims 1 – 6, 8 – 11, 13 – 27, 29, 30, 32 – 37, 39, 41, and 42 are submitted as being set forth in a clearly allowable condition or at least in better form for appeal.

Rejection Pursuant to 35 USC 112

Claims 1 – 6, 8 – 11, 13 – 18, 25 – 27, 29, 30, 32 – 37, 39, 41 and 42 were rejected as failing to comply with the written description requirement.

The Examiner was unclear of what was meant by “mass production”. “Mass production” is universally understood to mean a production of a large number of similar or identical units in an economic manner, such as in the mass production of automobiles. The term has been removed and reference to the preparation of a multiplicity of individual specimens has been generic substituted.

The Examiner was unclear why the posts are defined without the use of lithography. In the amended claims the method is one which is suited to materials which are refractory to etching. This means that the material is either unetchable or is resistant to etching. The posts cannot practically be defined using etching. Hence, lithographic definition of the posts, which depend on an etching step, is being restricted

from the scope of the invention. Several modes of nonlithographic definition of the posts are provided in the specification. The preferred embodiment is sawing intersecting grooves into a substrate with a dicing saw to define an array of posts in the substrate and then fracturing the posts from the substrate. Any nonphotolithographic means for removing of the substrate to form intersecting grooves can be employed. Claim 25, for example, is generic to all means. In addition to mechanically sawing the intersecting grooves into the substrate with a dicing saw, there is disclosed electrical means, which includes electrostatic discharge machining, chemical means, which includes electrolytic and acid etching, and laser means, which includes laser ablation. (See application at page 4, lines 14 – 16).

The Examiner was unclear how the specimen is used as a probe in a probe microscope to analyze the specimen. None of the claims are directed to using the specimen in a probe microscope to analyze the specimen. The invention is directed to manufacturing such specimens. Nevertheless, the specimen is used as a probe in a probe microscope to analyze the specimen is used in an entirely conventional manner. Analysis in a probe microscope was generally described in the prior amendment and the Examiner is respectfully requested to review the discussion there.

The Examiner refers to claims 25 and 39 in the context of “semiconductive or insulative specimens (or material)” without comment. It cannot be determined what the Examiner is questioning. Furthermore, the applicant does not use this phrase as stated in the claims, but refers only to “semiconductive or insulative specimens”. The specimens are a manufactured object that is made out of a material.

The Examiner refers to claim 29 in the context of “nonmetallic specimens”

without comment. It cannot be determined what the Examiner is questioning. A "nonmetallic specimen" is a specimen which is made of a material which is not a metal.

The Examiner refers to claim 37 in the context of "semiconductive or insulative specimens" and to claim 39 in the context of "semiconductive or insulative specimens (or material)" without comment. It cannot be determined what the Examiner is questioning. The applicant does not use the phrase "semiconductive or insulative specimens (or material)" in the claims, but refers only to "semiconductive or insulative specimens". A semiconductive or insulative specimen is a specimen that is made either of a semiconductor or an insulator.

Rejection Pursuant to 35 USC 102(b)

The reaction of the prior Office Action is repeated verbatim without modification and there are no comments from the Examiner in response to this rejection to the arguments and amendments filed in the previous amendment.

The applicant reincorporates the arguments of the prior amendment and reasserts them. The Examiner is respectfully requested to review them.

Rejection Pursuant to 35 USC 103(a)

The reaction of the prior Office Action is repeated verbatim without modification with the exception that claims 41 and 42 added by the prior amendment are rejected. There are no new comments from the Examiner presented in this rejection.

The only response of the Examiner to the arguments and amendments filed in the previous amendment is that they are not deemed persuasive in view of the previous

stated grounds of rejection. No explanation is given as to why the amendment was not deemed persuasive.

The applicant reincorporates the arguments of the prior amendment and reasserts them. The Examiner is respectfully requested to review them.

The claims are believed to be in a better form for appeal and their entry is solicited.

Applicant respectfully requests advancement of the claims to allowance.

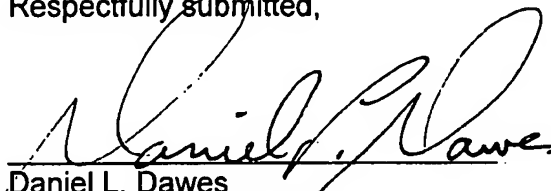
The Director is hereby authorized to charge any fees which may be required to Deposit Account No. 01-1960.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 16, 2005 by

Signature

May 16 2005

Respectfully submitted,



Daniel L. Dawes
Registration No. 27,123
Myers Dawes Andras & Sherman LLP
19900 MacArthur Blvd., 11th Floor
Irvine, CA 92612
(949) 223-9600